

## SMALL CLAIMS CHECKLIST – MILWAUKEE COUNTY (EVICTION)

**SEE DIFFERENT CHECKLIST FOR MONEY JUDGMENTS, PERSONAL INJURY/TORT, OR REPLEVIN**

### SECTION A: SERVING NOTICE TO VACATE ON THE TENANT(S)

*Before you can file an action in court, you MUST properly serve a notice to vacate, typically a 5-, 14-, or 28-day notice. Seek legal advice to ensure you have completed the correct notice in the right timeline.*

- Serve the notice using one of these methods:
  - By the Milwaukee County Sheriff's Department (Safety Building, Room 102);
  - A Private Process Server
  - Personally handing the notice to the tenant(s)
  - Personally handing the notice to a family member who is over 14 years old, or an occupant of the home who is over 14 years old, **AND** mailing a copy to the tenant.
  - After attempting to personally hand a copy, securely posting the documents on the entrance door **AND** mailing a copy to the tenant.
  
- Receive Affidavit of Service from Sheriff /Private Process Server, if you used those methods **OR** complete Affidavit of Service of Notice Terminating Tenancy and sign it in front a notary.

### SECTION B: Filing the Action

*DO NOT FILE the action before the notice you served in Section A above has expired.*

#### FILING AND SERVICE FEES (may be waived with approved Fee Waiver)

- \$98: for filing
- \$75: for service to each person you want to evict through the Milwaukee County Sheriff, if applicable

#### FORMS AND COPIES NEEDED

- **Summons and Complaint, Small Claims** (Original and 4 copies)  
*NOTE: In Milwaukee County, you MUST use the form that includes both English and Spanish translations*
- **Declaration of Non-Military Service** (1 for each person you are suing; no copies needed)
- **Affidavit of Service—for Notice to Vacate** (1 for each person you are suing; no copies needed)

#### COMPLETE THE FOLLOWING STEPS IN ORDER.

- File original documents and all copies in **Room 104 (Clerk of Court)**
  - Show approved fee waiver or pay the filing fee
  
- Within 8 business days of the hearing**, serve the other party or parties a copy of the Summons and Complaint.  
*NOTE: It MUST be served by a third-party. It cannot be served by mail or posting on the door.*
  - By the **Milwaukee County Sheriff's Department (Safety Building, Room 102)**
  - A Private Process Server

### SECTION C: Next Steps

- Save your **proof that the people you are suing have been served**. You **must** bring that to your hearing.
- Organize any items you want to share with the court that will support your claim. It is helpful to have two copies of documents (one to share with the court and one to share with the other party).
- Arrive to the courthouse early. Be sure to plan for travel/parking, going through security, and finding the right courtroom.
- If the matter is not resolved in front of a Small Claims Commissioner, you will have another date assigned for a hearing in front of the Judge.